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cation for the purpose of license taxes, should return the same to the auditor, who should advertise the fact, that the classification might be inspected in his office, and that the committee should hear all persons complaining of the assignments, and gave a right of appeal to the city council. Held, that an ordinance imposing a license tax was not a denial of due process of law.

[Ed. Note.—For other cases, see Constitutional Law, Cent. Dig. §§ 831, 905; Dec. Dig. § 287.\* 10 Va.-W. Va. Enc. Dig. 608; 14 id. 796.]

**11. Licenses (§ 6\*)—Validity.**—A city, having authority to impose a license tax on any business that cannot be reached by the ad valorem system, may impose a license tax on private bankers.

[Ed. Note.—For other cases, see Licenses, Cent. Dig. §§ 5, 6; Dec. Dig. § 6.\* 9 Va.-W. Va. Enc. Dig. 310.]

Error to Hustings Court of Richmond.

F. S. Bradley brings error to review a judgment imposing a fine on him for failure to pay a license tax to the City of Richmond. Affirmed.

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WASHINGTON LUNA PARK CO. *v.* GOODRICH.

Jan. 13, 1910.

[66 S. E. 977.]

**1. Theaters and Shows (§ 6\*)—Amusement Devices—Operation—Roller Coaster—Injuries to Passengers—Declarations.**—Where a declaration alleged that defendant amusement company operated a roller coaster consisting of several cars, and that plaintiff without negligence on his part, having paid his fare, was accepted as a passenger, and, on defendant's invitation, took his place on the coaster, which was so negligently operated by defendant as to collide with another car, resulting in plaintiff's injury, the declaration was not defective for failure to describe the construction and operation of the coaster, and stated a cause of action.

[Ed. Note.—For other cases, see Theaters and Shows, Dec. Dig. § 6.\* 11 Va.-W. Va. Enc. Dig. 239, et seq.; 10 id. 399.]

**2. Appeal and Error (§ 1048\*)—Reception of Evidence—Prejudice.**—In an action for injuries, the asking of a series of questions of plaintiff to show the effect of his injury on his business, which he was unable to specifically answer, was not prejudicial to defendant.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 4140-4145; Dec. Dig. § 1048.\* 1 Va.-W. Va. Enc. Dig. 592.]

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\*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.

**3. Appeal and Error (§ 692\*)—Reception of Evidence—Offer of Proof.**—Error in sustaining an objection to a question will not be reviewed where the expected answer does not appear.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 2905; Dec. Dig. § 692.\* 1 Va.-W. Va. Enc. Dig. 597.]

**4. Damages (§ 132\*)—Personal Injuries—Excessiveness.**—Plaintiff's left leg, ankle, and foot were sprained, strained, and made sore and stiff resulting in lameness by a roller coaster collision in June, 1906. At the trial in 1908 the foot was still wrapped in a silk rubber bandage, and he testified he was unable to attend to business for about six weeks and still suffered continuous pain. His physician testified that it was reasonably probable that he would continue to so suffer. Held, that a verdict for \$2,000, which the court reduced to \$1,200 was not excessive.

[Ed. Note.—For other cases, see Damages, Cent. Dig. §§ 178, 372-385, 396; Dec. Dig. § 132.\* 4 Va.-W. Va. Enc. Dig. 206.]

**5. Trial (§ 315\*)—Quotient Verdict.**—The finding of scraps of paper in a jury room after it was vacated, with the names of the jurymen thereon and the amounts opposite their names added together, and divided by 12, producing a quotient of between \$2,300 and \$2,400, did not show a binding agreement to render a quotient verdict; the verdict returned being for \$2,000.

[Ed. Note.—For other cases, see Trial, Cent. Dig. § 740; Dec. Dig. § 315.\* 13 Va.-W. Va. Enc. Dig. 630, 925; 10 id. 465, 466.]

**6. Trial (§ 344\*)—Verdict—Vacation—Affidavits of Jurors.**—Affidavits of jurors are not in general admissible to impeach their verdict.

[Ed. Note.—For other cases, see Trial, Cent. Dig. § 813; Dec. Dig. § 344.\* 13 Va.-W. Va. 630, 925.]

**7. New Trial (§ 145\*)—Verdict—Impeachment—Affidavit of Jurors—Discretion—Withdrawal of Proof.**—Where, after verdict, defendant attacked its validity because obtained by the quotient method, the fact that plaintiff's counsel had first consented to prove such fact by a conversation with a juror did not preclude the court from thereafter excluding the evidence both on grounds of public policy and in the exercise of discretion to permit plaintiff to withdraw his assent thereto.

[Ed. Note.—For other cases, see New Trial, Cent. Dig. §§ 300, 301; Dec. Dig. § 145.\* 13 Va.-W. Va. Enc. Dig. 630, 925; 5 id. 320.]

Error from Circuit Court, Celedandria County.

Action by Joseph H. Goodrich against the Washington Luna Park Company. Judgment for plaintiff, and defendant brings error. Affirmed.

*Moore, Barbour & Keith*, for plaintiff in error.

*Chas. F. Diggs and Lco P. Harlow*, for defendant in error.

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\*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.